IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2552 OF 2006

Mr. O.P. Agarwal & Ors. ... Petitioners

Vs.

Life Insurance Corporation of India & Ors. ... Respondents

Mr. Premnath i/b M/s. Sreeji & Lal for the petitioners.

Ms. M.M. Deshmukh, A.P.P. for the State.

CORAM : SMT. RANJANA DESAI, J.

DATED : 14TH DECEMBER, 2006.

P.C. :-

1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2. By the impugned order, the learned Sessions Judge has rejected the petitioners' revision application on the grounds that the certified copy of the order under challenge is not produced, the date of order which is under challenge is also not mentioned in the revision application, the

petitioners and their advocates are not present and also on the ground that the revision application is not maintainable. The learned counsel for the petitioners says that the revision application which was rejected will be amended by the petitioners in the light of the impugned order. He submits that, in the interest of justice, a direction may be given to the learned Sessions Judge to dispose of the revision application on merits after the revision application is amended.

3. In the facts and circumstances of the case and in the interest of justice, in my opinion, the matter should be heard on merits. Hence, the statement made by the learned counsel for the petitioners that the revision application will be amended in the light of the impugned order is accepted by this court. The petitioners shall carry out the necessary amendments within a period of two weeks from today. The petitioners shall then move the learned Sessions Judge for admission of the revision application. The petitioners or their advocates shall remain present on the day on which the revision application will be taken up for admission. The learned Sessions Judge shall then dispose of the revision application in accordance with law.

4. In the impugned order, the learned Sessions Judge has said that the revision application is not maintainable. If he is of the same view, he

shall assign reason for it. I make it clear that this court has not expressed any opinion on the merits of the matter. Petition is disposed of in the aforestated terms.

[SMT. RANJANA DESAI, J.]